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November 9, 2006

Phil Hogen, Chairman  
National Indian Gaming Commission  
1441 L Street NW, Suite 9100  
Washington, D.C. 20005

*Also via fax: (202) 632-7066*

Re: Proposed Class II Regulations

Dear Chairman Hogen,

The recent economic study commissioned by the NIGC concluded that promulgation of the NIGC's proposed class II regulations in their current form "would have a significant negative impact on Class II gaming and the tribes that operate Class II facilities." The Northern Arapaho Tribe opposes those regulations (see Chairman Brannan's letter to you dated July 19, 2006).

Regarding the economic impact in Wyoming, the study said that if the regulations are approved by the NIGC, the Northern Arapaho Tribe "could just replace all of its Class II machines with Class III devices." However, the report failed to consider the Tribe's Little Wind Casino, which is located on land owned jointly by the Northern Arapaho and the Eastern Shoshone Tribe. The Tribe's Secretarial Procedures requires approval by the Shoshone Tribe for any Class III gaming on jointly owned lands. Unfortunately, efforts to reach agreements regarding gaming matters with the Shoshone Tribe have proven unsuccessful. This means that unless the regulations are revised, the Tribe faces closure of its Little Wind Casino, which generates about \$100,000 per month and provides important jobs in the community.

In order to avoid closure of the Little Wind Casino, we request that you abandon the proposed regulations entirely. In the alternative, we request that you approve the following language for addition to the NIGC regulations, which would "grandfather" the existing uses of Class II games at our facility:

25 C.F.R. 546.11 (new):

If a tribe (a) is permitted on or after the effective date of these regulations to operate "electronic or electromechanical facsimiles" of bingo, lotto, other games similar to bingo, or pull tabs as class III gaming pursuant to a compact or Secretarial procedures, (b) has been operating the same as class II gaming prior to these regulations, and (c) requires

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permission from a second tribe to conduct class III gaming on Indian lands owned jointly by both tribes, then such gaming shall be treated as class II gaming, but only for the limited purpose of allowing such gaming on jointly owned Indian lands. Nothing in this regulation otherwise alters or amends the right of such a tribe to conduct any class II or class III gaming.

Thank you for your attention to this important matter. We look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew W. Baldwin".

Andrew W. Baldwin  
Attorney at Law

xc: Northern Arapaho Business Council  
Northern Arapaho Gaming Agency  
Wind River Casino / Little Wind Casino